

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

PERSONALWEB TECHNOLOGIES, LLC AND
LEVEL 3 COMMUNICATIONS, LLC,

Plaintiffs,

v.

AUTONOMY, INC., HEWLETT-PACKARD
COMPANY, AND HP ENTERPRISE
SERVICES, LLC,

Defendants.

Civil Action No. 6:11-cv-00683 (LED)

DEFENDANTS' NOTICE REGARDING SELECTION OF A MEDIATOR

In the Proposed Docket Control Orders filed on July 13, 2012 (Dkt. #39-1; Dkt. # 41-1), the parties stated that they would provide the name of an agreed-upon mediator by July 20, 2012, or else inform the Court that they were unable to reach agreement. Accordingly, Defendants Autonomy, Inc., Hewlett-Packard Company and HP Enterprise Services, LLC (“Defendants”) provide notice that the parties were unable to reach agreement.

On July 12, 2012, counsel for PersonalWeb sent an email to counsel for all the defendants (in Case Nos. 11-655, 11-656, 11-657, 11-658, 11-659, 11-660 and 11-683) proposing either J. Folsom (Ret.) or Hesha Abrams as mediators. The Defendants in this case will consent to mediation with Hesha Abrams.¹

The Defendants’ understanding is that PersonalWeb no longer agrees to mediate with Ms. Abrams because the defendants in all seven cases did not select the same proposed mediator offered by PersonalWeb.²

¹ It is Defendants understanding that the defendants in the other cases will be filing similar statements, indicating which of the two mediators they have agreed to.

² In each of the seven cases, the defendants agreed to at least one of the mediators proposed by PersonalWeb. However, after conferring, the defendants could not reach consensus on *one mediator*, and thus proposed to PersonalWeb that the parties in the seven cases jointly file a notification indicating that they would mediate with either Ms. Abrams or J. Folsom, but would confer separately with PersonalWeb to determine which mediator would be appointed for a particular defendant, and to determine a date for mediation. On July 20, 2012, PersonalWeb’s counsel rejected this proposal, indicating that PersonalWeb would not agree to any mediator – even those proposed by PersonalWeb – unless every defendant agreed upon the same mediator.

Dated: July 20, 2012

Respectfully submitted,

By: /s/ Bijal V. Vakil (with permission)
Bijal V. Vakil (CA State Bar No.: 192878)
(Admitted in the Eastern District of Texas)
WHITE & CASE, LLP
3000 El Camino Real
Five Palo Alto Square 9th Floor
Palo Alto, CA 94306
Telephone: (650) 213-0300
Facsimile: (650) 213-8158
Email: bvakil@whitecase.com

Gregory L. Doll
CA State Bar No.: 193205
(Admitted Pro Hac Vice)
Doll Amir & Eley LLP
1888 Century Park East, Suite 1850
Los Angeles, CA 90067
Telephone: (310) 557-9100
Facsimile: (310) 557-9101
Email: gdoll@dollamir.com

Attorneys for Defendant
AUTONOMY, INC.

By: /s/ Sara P. Zogg
Michael E. Jones (State Bar No. 10929400)
Allen F. Gardner (State Bar No. 24043679)
POTTER MINTON P.C.
110 N. College Avenue, Suite 500
Tyler, TX 75702
Phone: (903)-597-8311
Fax: (903)-593-0846
mikejones@potterminton.com
allengardner@potterminton.com

Michael A. Berta (admitted *pro hac vice*)
ARNOLD & PORTER LLP
Three Embarcadero Center, 7th Floor
San Francisco, CA 94111
Phone: (415) 471-3100
Fax: (415) 471-3400
michael.bertha@aporter.com

Sara P. Zogg (admitted *pro hac vice*)

ARNOLD & PORTER LLP

555 Twelfth Street, NW

Washington, DC 20004

Phone: (202) 942-5000

Fax: (202) 942-5999

sara.zogg@aporter.com

Attorneys for Defendants

HEWLETT-PACKARD COMPANY,

AND HP ENTERPRISE SERVICES, LLC

CERTIFICATE OF SERVICE

I hereby certify that, on the 20th day of July, 2012, all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's ECF system. Local Rule CV-5(a)(3).

/s/ Sara P. Zogg

Sara P. Zogg

CERTIFICATE OF CONFERENCE

I hereby certify that, on the 20th day of July, 2012, counsel for the above-named parties complied with the meet and confer requirements of Local Rule CV-7(h) via email communications, but were unable to reach agreement on a proposed mediator.

/s/ Sara P. Zogg

Sara P. Zogg